THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.6694 of 2006

Dt.04-04-2006

Between:

Md.Qayyum Pasha

..petitioner

and

The Joint Collector at Sangareddy and others.

..Respondents.

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.6694 of 2006

Oral Order:

Petitioner—fair price shop dealer filed an appeal against the cancellation of the authorization by the R.D.O. in his proceedings No.J/1586/05 dated 25-01-2006 before the Joint Collector, Sangareddy along with stay application. The Joint Collector while entertaining the appeal by proceedings CSA/7/A/2006 dated 20-03-2006 posted the appeal itself for hearing on 13-04-2006 and held that stay application has not been considered. In view of the same, petitioner filed the present writ petition questioning the cancellation order, which is the subject matter of appeal.

It is well settled that when appeal is preferred and pending, Writ for the very same relief, which is the subject matter of appeal, cannot be entertained. (See ***BMRDA v. GOKAK PATEL VOLKART*** (1995) 1 SCC 642).

Having regard to the said fact, Joint Collector is under obligation to pass appropriate orders on the stay application, if he feels that appeal itself cannot be disposed of on 13-04-2006.

The Writ Petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

04-04-2006

Murthy